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**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:10-cv-01253-JEB**

SMITH et al v. UNITED STATES DEPARTMENT OF LABOR	Date Filed: 07/23/2010
et al	Date Terminated: 07/27/2011
Assigned to: Judge James E. Boasberg	Jury Demand: None
Cause: 05:552 Freedom of Information Act	Nature of Suit: 895 Freedom of Information Act
	Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ELLEN ELISABETH SMITH**  
*Sole Proprietor of Legal Publication Services.*

represented by **Charles D. Tobin**  
HOLLAND & KNIGHT, LLP  
2099 Pennsylvania Avenue, NW  
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**ATTORNEY TO BE NOTICED**

**Drew E. Shenkman**  
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(202) 419-2443  
Email: drew.shenkman@hklaw.com  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**LEGAL PUBLICATION SERVICES**  
*doing business as*  
**MINE SAFETY AND HEALTH NEWS**

represented by **Charles D. Tobin**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Drew E. Shenkman**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**UNITED STATES DEPARTMENT OF  
LABOR**

represented by **Daria J. Zane**  
UNITED STATES ATTORNEYS  
OFFICE  
Civil Division  
555 4th Street, N.W.  
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*TERMINATED: 03/12/2011*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Laurie J. Weinstein**  
UNITED STATES ATTORNEY'S  
OFFICE  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**OFFICE OF INSPECTOR GENERAL**  
*Component of United States Department  
of Labor*

represented by **Daria J. Zane**  
(See above for address)  
*TERMINATED: 03/12/2011*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Laurie J. Weinstein**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**MINE SAFETY & HEALTH  
ADMINISTRATION**

*Component of the United States  
Department of Labor*

represented by **Daria J. Zane**

(See above for address)

**TERMINATED: 03/12/2011**

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Laurie J. Weinstein**

(See above for address)

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
07/23/2010	<a href="#"><u>1</u></a>	COMPLAINT against MINE SAFETY & HEALTH ADMINISTRATION, OFFICE OF INSPECTOR GENERAL, UNITED STATES DEPARTMENT OF LABOR ( Filing fee \$ 350, receipt number 4616031448) filed by ELLEN ELISABETH SMITH, LEGAL PUBLICATION SERVICES. (Attachments: # <a href="#"><u>1</u></a> Civil Cover Sheet) (dr) (Main Document 1 replaced on 7/26/2010) (dr). (Additional attachment(s) added on 7/26/2010: # <a href="#"><u>2</u></a> Exhibit A, # <a href="#"><u>3</u></a> Exhibit B, # <a href="#"><u>4</u></a> Exhibit C, # <a href="#"><u>5</u></a> Exhibit D, # <a href="#"><u>6</u></a> Exhibit E, # <a href="#"><u>7</u></a> Exhibit F, # <a href="#"><u>8</u></a> Exhibit G, # <a href="#"><u>9</u></a> Exhibit H, # <a href="#"><u>10</u></a> Exhibit I, # <a href="#"><u>11</u></a> Exhibit J, # <a href="#"><u>12</u></a> Exhibit K) (dr). (Entered: 07/26/2010)
07/23/2010		SUMMONS (5) Issued as to MINE SAFETY & HEALTH ADMINISTRATION, OFFICE OF INSPECTOR GENERAL, UNITED STATES DEPARTMENT OF LABOR, U.S. Attorney and U.S. Attorney General (dr) (Entered: 07/26/2010)
08/10/2010	<a href="#"><u>2</u></a>	NOTICE of Appearance by Drew E. Shenkman on behalf of LEGAL PUBLICATION SERVICES, ELLEN ELISABETH SMITH (Shenkman, Drew) (Entered: 08/10/2010)
08/12/2010	<a href="#"><u>3</u></a>	NOTICE of Appearance by Daria J. Zane on behalf of MINE SAFETY & HEALTH ADMINISTRATION, OFFICE OF INSPECTOR GENERAL, UNITED STATES DEPARTMENT OF LABOR (Zane, Daria) (Entered: 08/12/2010)
08/12/2010	<a href="#"><u>4</u></a>	Joint MOTION for Extension of Time to <i>Respond to Complaint and to Set Briefing Schedule</i> by LEGAL PUBLICATION SERVICES, MINE SAFETY & HEALTH ADMINISTRATION, OFFICE OF INSPECTOR GENERAL, ELLEN ELISABETH SMITH, UNITED STATES DEPARTMENT OF LABOR (Attachments: # <a href="#"><u>1</u></a> Text of Proposed Order)(Zane, Daria) (Entered: 08/12/2010)

08/12/2010	<a href="#">5</a>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed in a <b>FOIA Case</b> as to the U.S. Attorney for DC; MINE SAFETY & HEALTH ADMINISTRATION served on 7/27/2010, answer due 8/26/2010 for U.S. Attorney.  (Shenkman, Drew) (Entered: 08/12/2010)
08/12/2010	<a href="#">6</a>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on Attorney General. Date of Service Upon Attorney General 07/28/2010. (Shenkman, Drew) (Entered: 08/12/2010)
08/12/2010	<a href="#">7</a>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. MINE SAFETY & HEALTH ADMINISTRATION served on 7/28/2010; OFFICE OF INSPECTOR GENERAL served on 7/28/2010; UNITED STATES DEPARTMENT OF LABOR served on 7/28/2010 (Shenkman, Drew) (Entered: 08/12/2010)
08/13/2010		MINUTE ORDER granting <a href="#">4</a> Joint Motion to Enlarge Time to Respond to Complaint and for Briefing Schedule. Defendants shall file their dispositive motion on or before September 28, 2010; plaintiff shall file her opposition on or before October 29, 2010; and defendants shall file their reply on or before November 18, 2010. Signed by Judge Henry H. Kennedy, Jr. on August 13, 2010. (NP) (Entered: 08/13/2010)
09/28/2010	<a href="#">8</a>	Consent MOTION for Extension of Time to <i>Submit Dispositive Motion</i> , Consent MOTION to Amend/Correct Order on Motion for Extension of Time to, Set/Reset Deadlines,, by UNITED STATES DEPARTMENT OF LABOR (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Text of Proposed Order)(Zane, Daria) (Entered: 09/28/2010)
09/29/2010		MINUTE ORDER granting <a href="#">8</a> Defendants' Consent Motion to Enlarge Time to SubmitDispositive Motion and Motion for Amendment to Briefing Schedule. Accordingly, defendants' dispositive motion is due on October 15, 2010; plaintiff's opposition is due on November 15, 2010; and defendants' reply is due on December 9, 2010. Signed by Judge Henry H. Kennedy, Jr. on September 29, 2010. (NP) (Entered: 09/29/2010)
10/15/2010	<a href="#">9</a>	Consent MOTION for Extension of Time to <i>Submit Dispositive Motion or Status Report</i> by UNITED STATES DEPARTMENT OF LABOR (Attachments: # <a href="#">1</a> Text of Proposed Order)(Zane, Daria) (Entered: 10/15/2010)
10/18/2010		MINUTE ORDER granting <a href="#">9</a> Defendants' Consent Motion to Enlarge Time to SubmitDispositive Motion and Motion for Amendment to Briefing Schedule. Accordingly, defendants shall file their dispositive motion or a status report on or before November 1, 2010. Signed by Judge Henry H. Kennedy, Jr. on October 18, 2010. (NP) (Entered: 10/18/2010)

11/01/2010	<a href="#">10</a>	MOTION to Dismiss <i>and</i> , MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF LABOR (Attachments: # <a href="#">1</a> Memorandum in Support of Motion to Dismiss and Motion for Summary Judgment, # <a href="#">2</a> Statement of Facts in Support of Motion for Summary Judgment, # <a href="#">3</a> Declaration of Kimberly Pacheco and Exhibits A-D, # <a href="#">4</a> Declaration of Wm Thompson and Exhibits A-D, # <a href="#">5</a> Declaration of Lanesia Washington and Exhibits A-C, # <a href="#">6</a> Exhibit 1, EMAIL, # <a href="#">7</a> Exhibit 2, Vaughn index, # <a href="#">8</a> Text of Proposed Order)(Zane, Daria) (Entered: 11/01/2010)
11/24/2010	<a href="#">11</a>	Consent MOTION for Extension of Time to File Response/Reply re <a href="#">10</a> MOTION to Dismiss and, MOTION for Summary Judgment , by LEGAL PUBLICATION SERVICES, ELLEN ELISABETH SMITH (Attachments: # <a href="#">1</a> Text of Proposed Order)(Shenkman, Drew) Modified on 11/29/2010 to add relationship and create link (dr). (Entered: 11/24/2010)
12/03/2010		MINUTE ORDER granting <a href="#">11</a> Plaintiff's Consent Motion to Enlarge Time for Plaintiff to Respond to Defendants' Motion for Summary Judgment and to Dismiss. Accordingly, plaintiff's response to defendants' dispositive motion is due on December 10, 2010; and defendants' reply is due on January 18, 2011. Signed by Judge Henry H. Kennedy, Jr. on December 3, 2010. (NP) (Entered: 12/03/2010)
12/10/2010	<a href="#">12</a>	Cross MOTION for Summary Judgment <i>or Alternatively for In Camera Review of the Last Seven FOIA Documents at Issue</i> by LEGAL PUBLICATION SERVICES, ELLEN ELISABETH SMITH (Attachments: # <a href="#">1</a> Exhibit A to Plaintiff's Memorandum of Law, # <a href="#">2</a> Declaration of Ellen Elisabeth Smith, # <a href="#">3</a> Declaration of Dr. Celeste Monforton, # <a href="#">4</a> Declaration)(Shenkman, Drew). Added MOTION for In Camera Review on 12/13/2010 (znmw, ). (Entered: 12/10/2010)
12/10/2010	<a href="#">13</a>	Memorandum in opposition to re <a href="#">10</a> MOTION to Dismiss <i>and</i> MOTION for Summary Judgment filed by LEGAL PUBLICATION SERVICES, ELLEN ELISABETH SMITH. (Attachments: # <a href="#">1</a> Exhibit A to Plaintiff's Memorandum of Law, # <a href="#">2</a> Declaration of Ellen Elisabeth Smith, # <a href="#">3</a> Declaration of Dr. Celeste Monforton, # <a href="#">4</a> Text of Proposed Order)(Shenkman, Drew) (Entered: 12/10/2010)
12/10/2010	<a href="#">14</a>	NOTICE OF SEPARATE FILING OF CD EXHIBIT by LEGAL PUBLICATION SERVICES, ELLEN ELISABETH SMITH re <a href="#">13</a> Memorandum in Opposition, <a href="#">12</a> Cross MOTION for Summary Judgment <i>or Alternatively for In Camera Review of the Last Seven FOIA Documents at Issue</i> (Shenkman, Drew) (Entered: 12/10/2010)
01/18/2011	<a href="#">15</a>	Consent MOTION for Extension of Time to <i>File Reply to Opposition to Motion for Summary Judgment and Opposition to Cross Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF LABOR (Attachments: # <a href="#">1</a> Text of Proposed Order)(Zane, Daria) (Entered: 01/18/2011)

01/19/2011		MINUTE ORDER granting <a href="#">15</a> Consent Motion to Enlarge Time to Submit itsOpposition to the Plaintiff's Motion for Summary Judgment and Reply to the Plaintiff's Opposition to Motion for Summary Judgment. Accordingly, defendants' reply in support of its summary judgment motion and opposition to plaintiffs' cross-motion are due on January 21, 2011. Signed by Judge Henry H. Kennedy, Jr. on January 19, 2011. (NP) (Entered: 01/19/2011)
01/21/2011	<a href="#">16</a>	Memorandum in opposition to re <a href="#">12</a> Cross MOTION for Summary Judgment <i>or Alternatively for In Camera Review of the Last Seven FOIA Documents at Issue</i> filed by UNITED STATES DEPARTMENT OF LABOR, OFFICE OF INSPECTOR GENERAL, MINE SAFETY & HEALTH ADMINISTRATION. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Statement of Facts Response to Plaintiff's Statement of Facts, # <a href="#">3</a> Text of Proposed Order)(Zane, Daria) Modified to add filers on 1/24/2011 (znmw, ). (Entered: 01/21/2011)
01/21/2011	17	REPLY to opposition to motion re <a href="#">10</a> MOTION to Dismiss <i>and</i> MOTION for Summary Judgment filed by MINE SAFETY & HEALTH ADMINISTRATION, OFFICE OF INSPECTOR GENERAL, UNITED STATES DEPARTMENT OF LABOR. (See Docket Entry <a href="#">16</a> to view document. Counsel is reminded to file oppositions and replies as separate docket entries in future). (znmw, ) (Entered: 01/24/2011)
01/24/2011	<a href="#">18</a>	NOTICE of Filing Exhibit E to Pacheco Declaration, Exhibit 3 [ECF No. 10-3] by UNITED STATES DEPARTMENT OF LABOR, MINE SAFETY & HEALTH ADMINISTRATION, OFFICE OF INSPECTOR GENERAL re <a href="#">10</a> MOTION to Dismiss <i>and</i> MOTION for Summary Judgment (Attachments: # <a href="#">1</a> Exhibit E to Pacheco Declaration)(Zane, Daria) Modified to add filers on 1/25/2011 (znmw, ). (Entered: 01/24/2011)
01/25/2011		NOTICE OF ERROR re <a href="#">18</a> Notice (Other); emailed to daria.zane@usdoj.gov, cc'd 5 associated attorneys -- The PDF file you docketed contained errors: 1. Modified to add filers; Counsel is reminded to select all represented parties in future. (znmw, ) (Entered: 01/25/2011)
01/28/2011	<a href="#">19</a>	REPLY to opposition to motion re <a href="#">12</a> Cross MOTION for Summary Judgment <i>or Alternatively for In Camera Review of the Last Seven FOIA Documents at Issue</i> filed by LEGAL PUBLICATION SERVICES, ELLEN ELISABETH SMITH. (Shenkman, Drew) (Entered: 01/28/2011)
01/28/2011	20	ENTERED IN ERROR..... MOTION (alternatively) for In Camera Review by ELLEN ELISABETH SMITH. (See Docket Entry <a href="#">19</a> to view document. Counsel is advised to file the reply and motion as separate docket entries in future). (znmw, ) Modified on 1/31/2011 (znmw, ). (Entered: 01/31/2011)
01/31/2011		NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry 20 MOTION for In Camera Review was entered in error and will not be refiled. (znmw, ) (Entered: 01/31/2011)

02/04/2011	<a href="#">21</a>	NOTICE <i>of Filing</i> by UNITED STATES DEPARTMENT OF LABOR, OFFICE OF INSPECTOR GENERAL, MINE SAFETY & HEALTH ADMINISTRATION re <a href="#">10</a> MOTION to Dismiss <i>and</i> MOTION for Summary Judgment (Attachments: # <a href="#">1</a> Exhibit)(Zane, Daria) Modified filers on 2/7/2011 (znmw, ). (Attachment 1 replaced to correct sideways pages on 2/7/2011) (znmw, ). (Entered: 02/04/2011)
03/12/2011	<a href="#">22</a>	NOTICE OF WITHDRAWAL OF APPEARANCE as to MINE SAFETY & HEALTH ADMINISTRATION, OFFICE OF INSPECTOR GENERAL. Attorney Daria J. Zane terminated. (Zane, Daria) (Entered: 03/12/2011)
03/14/2011	<a href="#">23</a>	NOTICE of Appearance by Laurie J. Weinstein on behalf of MINE SAFETY & HEALTH ADMINISTRATION, OFFICE OF INSPECTOR GENERAL, UNITED STATES DEPARTMENT OF LABOR (Weinstein, Laurie) (Entered: 03/14/2011)
03/29/2011		Case Randomly Reassigned to U.S. District Judge James E. Boasberg. Judge Henry H. Kennedy no longer assigned to the case. (jeb, ) (Entered: 03/29/2011)
07/07/2011		MINUTE ORDER: Having reviewed the parties' Cross-Motions for Summary Judgment, and given the limited amount of material in dispute, the Court ORDERS that the Defendants produce the seven remaining disputed documents to the Court for <i>in camera</i> review on or before July 14, 2011. Signed by Judge James E. Boasberg on 7/7/2011. (lcjeb3) (Entered: 07/07/2011)
07/07/2011		Set/Reset Deadlines: Defendants shall produce the seven remaining disputed documents to the Court for in camera review on or before 7/14/2011. (ad) (Entered: 07/07/2011)
07/13/2011	<a href="#">24</a>	NOTICE <i>OF IN CAMERA FILING</i> by MINE SAFETY & HEALTH ADMINISTRATION, OFFICE OF INSPECTOR GENERAL, UNITED STATES DEPARTMENT OF LABOR (Attachments: # <a href="#">1</a> Vaughn Index)(Weinstein, Laurie) (Entered: 07/13/2011)
07/26/2011	<a href="#">25</a>	ORDER granting <a href="#">10</a> Defendants' Motion for Summary Judgment; denying <a href="#">12</a> Plaintiff's Motion for Summary Judgment; Judgment is ENTERED in favor of Defendants. Signed by Judge James E. Boasberg on 7/26/2011. (lcjeb3) (Entered: 07/26/2011)
07/26/2011	<a href="#">26</a>	MEMORANDUM AND OPINION to the Order granting Defendants' Motion for Summary Judgment; denying Plaintiff's Motion for Summary Judgment. Signed by Judge James E. Boasberg on 7/26/2011. (lcjeb3) (Entered: 07/26/2011)

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